

REMARKS

Reconsideration of this Application is respectfully requested.

Claims 12-15, 17-22 and 25-32 are pending in the application, with claims 12 and 18 being the independent claims. Claims 23 and 24 have been cancelled without prejudice to or disclaimer of the subject matter therein. New claims 29-32 have been added.

Attached hereto is a marked-up version of the changes made to the claims by the current amendment. The attached page is captioned “**Version With Markings to Show Changes Made.**”

Based on the above Amendment and the following Remarks, Applicant respectfully requests that the Examiner reconsider all outstanding objections and rejections and that they be withdrawn.

Acknowledgement of Allowed Subject Matter

The indication that claims 23-26 contain allowable subject matter is gratefully noted. Claim 23 has been rewritten in independent form as new claim 29, and claim 24 has been rewritten in independent form as new claim 30. Claims 25 has been amended such that claims 25 and 26 depend from new claim 30. Claims 30, 31, 25 and 26 should be in condition for allowance.

Objection to the Claims

Claim 17 has been amended to depend from claim 12 to overcome the objection.

Rejections under 35 U.S.C. § 112

Claims 15, 20 and 23 stand rejected under 35 U.S.C. §112, second paragraph.

Concerning claim 15, reconsideration is respectfully requested. Claim 15 recites that the second portion partially overlaps the first portion. This recitation is not indefinite in that claim 12 does not require that the first and second portions are mutually exclusive or separate.

Claim 20 has been amended to overcome the rejection. New claim 29 (formerly claim 23) complies with Section 112.

Rejections under 35 U.S.C. § 102

Claims 12-15, 17-22 and 27 stand rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent 6,363,942 to Dombek et al. ("Dombek").

Claims 12 and 18 recited "means for feeding...a series of products having tubular wrappers each which is contacted by the respective strip whereby the wrappers are caused to roll due to contact with said surfaces and **to thus convolute the strips thereabout**".

Dombek fails to teach this feature in that Dombek does not wrap the strips about the tubular wrappers, particularly within the channel in which the permeabilities are changed. In other words, Dombek only perforates the products, and does not convolute the strips around the products.

Accordingly, claims 12 and 18 distinguish over Dombek. Claims 13-15, 17, 20-22 and 27 depend from claim 12, and claim 19 depends from claim 18. Claims 13-15, 17, 19-22 and 27 are allowable as depending from allowable claims.

Rejections under 35 U.S.C. § 103

Claim 28 stands rejected under 35 U.S.C. §103 as being unpatentable over Dombek in view of U.S. Patent No. 2,952,105 to Schur. Claim 28 depends from claim 12. Schur fails to cure the deficiency of the rejection of claim 12, and claim 28 is allowable as depending from an allowable claim.

New Claims

New claims 31 and 32 further distinguish over the cited art by reciting “means for convoluting.”

Conclusion

All of the stated grounds of objection and rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider all presently outstanding objections and rejections and that they be withdrawn. Applicant believes that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance.

If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is hereby invited to telephone the undersigned at the number provided.

A Notice of Allowance with claims 12-15, 17-22 and 25-32 is respectfully requested.

Respectfully submitted,

Date: 07/26/03



Chad C. Anderson
Registration No. 44,505
VENABLE
P.O. Box 34385
Washington, D.C. 20043-9998
Telephone: (202) 962-4800
Telefax: (202) 962-8300



Applicant: Manfred Dombek

Appl. No.: 09/773,490

Version With Markings To Show Changes Made

RECEIVED
JUL 23 2003
GROUP 1700

In The Claims:

17. (Amended) The apparatus of claim 12 [16], wherein said rolling unit [member] has a window communicating with said second portion of said channel and said means for changing the permeability of the wrappers includes means for perforating at least one of the wrapper and the strip of each of said series of products by way of said window.

20. (Amended) The apparatus of claim 12, wherein said rolling unit includes an endless band having an external surface constituting a portion at least of said at least one of the first and second surfaces [surface], and a stationary rolling member having a surface constituting said other surface, said second portion of said channel being defined by said endless band and said rolling member.

25. (Amended) The apparatus of claim [24] 30, wherein said means for changing the permeability of the wrappers includes means for simultaneously perforating the wrappers of several successive products in said second portion of said channel.